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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Aladdin's Eatery Systems, Inc., an Ohio
corporation,

Plaintiff,

v.

PHWLTV, LLC a Nevada limited liability
company; and OPBIZ, LLC, Nevada
limited liability company,

Defendants.

Case No. 2:18-cv-00412 APG-GWF

**STIPULATION AND [PROPOSED]
ORDER TO STAY DEADLINE FOR
DEFENDANT PHWLTV, LLC TO
RESPOND TO AMENDED
COMPLAINT FOR DECLARATORY
JUDGMENT [ECF 31]**

(Fifth Request)

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Defendant PHWLTV, LLC ("PHWLTV") and Plaintiff Aladdin's Eatery Systems, Inc. ("Plaintiff"), by and through their respective counsel, hereby stipulate and agree to stay the deadline for Defendant PHWLTV to plead or otherwise respond to Plaintiff's Amended Complaint for Declaratory Judgment (Doc. #31) ("Amended Complaint") until further order from the Court, and request that the Court enter an

1 Order approving the same. This is the parties' fifth request for an extension of the deadline to
2 respond to the Amended Complaint since the entry of the Court's Order on PHWLV's Motion to
3 Dismiss Amended Complaint on April 20, 2020 (Doc. #48).

4 On March 22, 2019, the Court entered an Order (Doc. #30) granting PHWLV's Motion to
5 Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. #21), and
6 providing Plaintiff until April 12, 2019 to file an Amended Complaint.

7 On April 12, 2019, Plaintiff timely filed its Amended Complaint (Doc. #31).

8 On June 10, 2019, PHWLV filed a Motion to Dismiss the Amended Complaint (Doc.
9 #40), which motion was thereafter fully briefed by the parties.

10 On April 20, 2020, the Court entered an Order (Doc. #48) denying PHWLV's Motion to
11 Dismiss Amended Complaint. On April 29, 2020, the Court entered an Order (Doc. #52)
12 approving the parties' stipulation to extend the time for PHWLV to respond to Plaintiff's
13 Amended Complaint to June 4, 2020, in light of ongoing settlement discussions. On June 8,
14 2020, the Court entered an Order (Doc. #54) approving the parties' stipulation to extend the time
15 for PHWLV to respond to Plaintiff's Amended Complaint to July 6, 2020, again in light of
16 ongoing settlement discussions. On July 7, 2020, the Court entered an Order (Doc. #56)
17 approving the parties' stipulation to extend the time for PHWLV to respond to Plaintiff's
18 Amended Complaint to August 5, 2020, again in light of ongoing settlement discussions. On
19 August 7, 2020, the Court entered an Order (Doc. #58) approving the parties' stipulation to
20 extend the time for PHWLV to respond to Plaintiff's Amended Complaint to September 4, 2020,
21 in light of the parties' agreement on terms of settlement.

22 Plaintiff and PHWLV have reached a settlement to resolve their dispute and have
23 executed definitive settlement documents. Pursuant to their settlement, Plaintiff has agreed to
24 dismiss its claims against PHWLV with prejudice after the Court issues an order granting
25 Plaintiff's pending Renewed Motion for Default Judgment against Defendant OpBiz, LLC (Doc.
26 #61). Accordingly, the parties stipulate and agree that PHWLV should not have to respond to
27 Plaintiff's Amended Complaint while that motion remains pending.

This is PHWLTV's fifth request for an extension of its deadline to respond to the Amended Complaint since the entry of an Order denying PHWLTV's Motion to Dismiss Amended Complaint. Plaintiff stipulates and agrees that a stay of PHWLTV's deadline to respond to the Amended Complaint is warranted and consistent with the terms agreed to by the parties in their settlement. This Stipulation is entered into in good faith and is not intended to delay these proceedings. The parties will not be prejudiced by this Stipulation and the parties are in agreement with respect to PHWLTV's requested extension.

Based on the foregoing, good cause exists to grant PHWLTV's request, and the parties respectfully request that the Court enter an order staying the deadline for PHWLTV to plead or otherwise respond to the Amended Complaint until further order of the Court.

Dated: September 10th, 2020

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By: /s/ Christopher R. Miltenberger
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IT IS SO ORDERED:

**UNITED STATES
MAGISTRATE/DISTRICT JUDGE**

DATED: September 16, 2020